

An
Bord
Pleanála

Ordú ón mBord
Board Order
ABP-320068-24

Na hAchtanna um Pleanáil agus Forbairt, 2000 go 2022

Planning and Development Acts 2000 to 2022

Údarás Pleanála: Comhairle Contae na Gaillimhe

Planning Authority: Galway County Council

Uimhir Thagartha ar an gClár Pleanála: 2361527

Planning Register Reference Number: 2361527

Achomharc ó Jim agus Maureen McDermott, Corr Chuilinn, Páirc na Sceach, Gaillimh, in aghaidh an chinnidh a rinne Comhairle Contae na Gaillimhe an 12^ú lá de mhí an Mheithimh 2024 cead a dheonú, faoi réir coinníollacha, do Orla Callanan faoi chúram ETM Chartered Engineers Limited, Páirc na Fuathaí Thiar, Uachtar Ard, Contae na Gaillimhe, i gcomhréir le pleananna agus sonraí a taisceadh leis an gComhairle sin.

Forbairt Bheartaithe: Teach cónaithe, garáiste/seantán agus córas príobháideach cóireála fuíolluisce a thógáil, mar aon leis na hoibreacha gaolmhara uile agus na seirbhísí coimhdeacha gaolmhara uile ag Corr Chuilinn, Maigh Cuilinn, Contae na Gaillimhe.

Cinneadh

Cead a DHEONÚ don fhorbairt bheartaithe thuas i gcomhréir leis na pleananna agus na sonraí luaite, bunaithe ar na cúiseanna agus na

cúinsí faoi bhun agus faoi réir na gcoinníollacha atá leagtha amach thíos.

Cúiseanna agus Cúinsí

Maidir leis an bhforbairt bheartaithe, atá ag iarraidh cead chun teaghais amháin, aonad cóireála, láthair shíothlúcháin agus na seirbhísí gaolmhara láithreáin uile a sholáthar, comhlíonann sí na forálacha de Phlean Forbartha Contae na Gaillimhe 2022-2028. Meastar, faoi réir na coinníollacha atá leagtha amach thíos a chomhlíonadh, nach mbeadh an fhorbairt bheartaithe ag teacht salach ar shaintréith an limistéir máguaird, nach ndéanfaidh sí díobháil thromchúiseach do thaitneamhachtaí amhairc an limistéir agus, dá bhrí sin, go mbeadh sí i gcomhréir le pleanáil chuí agus forbairt inchothaithe an limistéir.

Scagadh Measúnachta Cuí

Thug an Bord faoi deara nach bhfuil an fhorbairt bheartaithe nasctha go díreach le bainistíocht Láithreáin Eorpaigh agus nach bhfuil sí riachtanach maidir le bainistíocht aon láithreáin den sórt sin. Agus an scagadh le haghaidh Measúnacht Chuí á chur i gcrích aige, ghlac an Bord leis an measúnacht scagtha agus leis an gconclúid a rinneadh sa tuarascáil ón gCigire maidir le sainaithint na Láithreán Eorpach a bhféadfaí difear a dhéanamh dóibh, agus le sainaithint agus measúnacht na n-éifeachtaí suntasacha is dóigh a bheith ag an bhforbairt bheartaithe, cibé acu aisti féin nó in éineacht le pleananna nó tionscadail eile, ar na Láithreáin Eorpacha sin i bhfianaise chuspóirí caomhantais na láithreán sin, agus ghlac sé an méid sin ar fad. Ghlac sé leis freisin nach bhfuil Measúnacht Chuí Chéim 2 ag teastáil dá bharr sin.

Coinníollacha

1. Déanfar an fhorbairt agus críochnófar í i gcomhréir leis na pleananna agus na sonraí a taisceadh in éineacht leis an iarratas, mar a leasaíodh leis na pleananna agus na sonraí breise a fuair an t-údarás pleanála an 16^ú lá de mhí na Bealtaine 2024, seachas de réir mar is gá ar shlí eile chun na coinníollacha seo a leanas a chomhlíonadh. I gcás go gceanglófar leis na coinníollacha sin go gcomhaontófaí mionsonraí leis an údarás pleanála, comhaontóidh an forbróir le mionsonraí den sórt sin i scríbhinn leis an údarás pleanála sula dtosófar an fhorbairt, agus déanfar an fhorbairt agus críochnófar í i gcomhréir leis na sonraí comhaontaithe.

Cúis: Ar mhaithe le soiléire.

2. Cuirfear mionsonraí faoi ábhair, dathanna agus uigeacht na mbailchríoch seachtrach ar an teaghais bheartaithe faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt.

Cúis: Ar mhaithe le taitneamhacht amhairc agus chun ardchaighdeán cuí forbartha a chinntiú.

3. Beidh bailchríocha seachtracha an gharáiste ag teacht ó thaobh datha agus uigeachta de leis na bailchríocha ar an teach cónaithe beartaithe a cheadaítear leis seo.

Cúis: Ar mhaithe le forbairt amhairc.

4. (a) Agus í críochnaithe, beidh an teaghais bheartaithe faoi áitiú ar dtús mar áit chónaithe bhuan ag an iarratasóir, ag daoine de neasteaghlach an iarratasóra nó ag oidhrí de chuid an iarratasóra,

agus beidh sí áitithe amhlaidh ar feadh tréimhse seacht mbliana ar a laghad ina dhiaidh sin ach amháin i gcás go ndeonóidh an t-údarás pleanála toiliú dá áitiú ag daoine eile arb ionann an chatagóir riachtanais tithíochta dóibh agus don iarratasóir. Sula dtosófar an fhorbairt, déanfaidh an t-iarratasóir comhaontú i scríbhinn leis an údarás pleanála faoi alt 47 den Acht um Pleanáil agus Forbairt, 2000, chuige sin.

- (b) Laistigh de dhá mhí ó áitiú na teaghaise beartaithe, cuirfidh an t-iarratasóir ráiteas scríofa faoi bhráid an údaráis pleanála ina ndeimhneofar chéad áitiú na teaghaise i gcomhréir le mír (a) agus dáta an áitithe sin.

Leis an gcoinníoll sin, ní dhéanfar aon difear do dhíol na teaghaise ag morgáistí a bhfuil an teaghais ina sheilbh nó ina seilbh aige nó aici ná d'áitiú na teaghaise ag aon duine a dhíorthóidh teideal ó dhíol den sórt sin.

Cúis: Chun a chinntiú go n-úsáidfear an teach beartaithe chun freastal ar riachtanais luaite tithíochta an iarratasóra agus go mbeidh forbairt sa limistéar tuaithe seo srianta go cuí do fhreastal ar riachtanas bunriachtanach áitiúil ar mhaithe le pleanáil chuí agus forbairt inchothaithe an limistéir.

5. Ní úsáidfear an garáiste tí mar áit chónaithe do dhaoine ná chun aon chríche eile seachas críoch a ghabhann le teachtadh an tí, agus ní úsáidfear é chun críocha tráchtála gan cead pleanála a dheonú roimh ré. Ní scarfar é ón bpríomhtheaghais trí léas ná trí dhíol ach oiread.

Cúis: Ar mhaithe le taitneamhacht cónaithe.

6. Coinneofar an fál teorann láithreach tosaigh agus/nó na crainn teorann láithreacha tosaigh ach amháin a mhéid a bheidh sé riachtanach an fál agus/nó na crainn a bhaint chun socrú a dhéanamh don bhealach isteach chuig an láithreán.

Cúis: Ar mhaithe le taitneamhacht amhairc.

7. Déanfar an scéim tírdhreachaithe, mar a cuireadh faoi bhráid an údaráis pleanála, an 19^ú lá de mhí na Nollag 2023, a chur i gcrích laistigh den chéad séasúr cuir tar éis oibreacha tógála seachtracha a chríochnú go substaintiúil.

Cúis: Ar mhaithe le taitneamhacht cónaithe agus amhairc.

8. Sula dtosófar an fhorbairt, déanfaidh an forbróir comhaontú um nasc uisce agus fuíolluisce le hUisce Éireann.

Cúis: Ar mhaithe leis an tsláinte phoiblí.

9. (a) Déanfar an córas cóireála fuíolluisce a cheadaítear leis seo a shuiteáil i gcomhréir leis na moltaí atá ar áireamh sa tuarascáil maidir le saintréithriú láithreáin a cuireadh isteach i gcomhar leis an iarratas seo, agus beidh an córas sin i gcomhréir leis na caighdeáin atá leagtha amach sa doiciméad dar teideal “Cód Cleachtais - Córais Chóireála Fuíolluisce Tí (Coibhéis Daonra ≤ 10)” – An Ghníomhaireacht um Chaomhnú Comhshaoil, 2021.
- (b) Déanfar eisilteach cóireáilte ón gcóras cóireála fuíolluisce a scaoileadh chuig láthair shíothlúcháin/scagaire snasaithe, rud a sholáthrófar i gcomhréir leis na caighdeáin atá leagtha amach sa doiciméad dar teideal “Cód Cleachtais - Córais Chóireála

Fuíolluisce Tí (Coibhéis Daonra ≤ 10)" – An Ghníomhaireacht um Chaomhnú Comhshaoil, 2021.

- (c) Laistigh de thrí mhí ó chéad áitiú na teaghaise, cuirfidh an forbróir tuarascáil ó dhuine atá cáilithe go cuí (agus a bhfuil árachas slánaíochta gairmiúla aige nó aici) faoi bhráid an údaráis pleanála ina ndeimhneofar go bhfuil an t-umar seipteach/an córas cóireála fuíolluisce agus na hoibreacha gaolmhara tógtha agus ag oibriú i gcomhréir leis na caighdeáin atá leagtha amach sa doiciméad ón nGníomhaireacht um Chaomhnú Comhshaoil dá dtagraítear thuas.

Cúis: Ar mhaithe leis an tsláinte phoiblí agus chun truailliú uisce a chosc.

10. Maidir leis an uisce dromchla ar fad a ghinfear laistigh de theorainneacha an láithreáin, baileofar agus diúscrófar é laistigh de chúirtealáiste an láithreáin. Ní dhéanfar aon uisce dromchla ó dhíonta, ó limistéir phábháilte nó ó áiteanna eile a scaoileadh isteach ar an mbóthar poiblí ná ar réadmhaoine tadhlacha.

Cúis: Ar mhaithe leis an tsláinte phoiblí.

11. Maidir le hoibreacha forbartha agus tógála láithreáin, ní dhéanfar iad ach amháin idir 0800 agus 1900 ón Luan go dtí an Aoine, agus an dá lá sin san áireamh, agus idir 0800 agus 1400 ar an Satharn, agus ní dhéanfar aon oibreacha ar bith ar an Domhnach ná ar laethanta saoire poiblí. Ní cheadófar aon imeacht ó na hamanna sin ach amháin in imthosca eisceachtúla ina bhfuarthas réamhcheadú i scríbhinn ón údarás pleanála.

Cúis: Chun taitneamhachtaí cónaithe na réadmhaoine sa chomharsanacht a choimirciú.

12. Coinneofar gach bóthar agus cosán poiblí saor ó shalachar agus ó smionagar le linn chéim tógála na forbartha beartaithe. Déanfaidh an t-iarratasóir gach beart riachtanach chun doirteadh nó sil-leagan cré, spallaí nó smionagair eile a chosc ar thailte tadhlaigh le linn na n-oibreacha.

Cúis: Ar mhaithe le pleanáil chuí agus forbairt inchothaithe an limistéir.

13. Íocfaidh an forbróir leis an údarás pleanála ranníocaíocht airgeadais i leith bonneagar agus saoráidí poiblí a rachaidh chun tairbhe d'fhorbairt i limistéir an údaráis pleanála, ar nithe iad a sholáthróidh an t-údarás nó a sholáthrófar thar a cheann, nó a bhfuil sé beartaithe ag an údarás iad a sholáthar nó a bhfuil sé beartaithe iad a sholáthar thar a cheann, i gcomhréir le téarmaí na Scéime Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht um Pleanáil agus Forbairt, 2000, arna leasú. Déanfar an ranníocaíocht sula dtosófar an fhorbairt nó trí cibé íocaíochtaí céimnithe a éascóidh an t-údarás pleanála, agus beidh sí faoi réir aon fhorálacha innéacsaithe is infheidhme den Scéim tráth na híocaíochta.

Comhaontófar mionsonraí chur i bhfeidhm na Scéime idir an t-údarás pleanála agus an forbróir nó, cheal comhaontú, tarchuirfear an ní chuig an mBord Pleanála chun cur i bhfeidhm cuí théarmaí na Scéime a chinneadh.

Cúis: Ceanglaítear leis an Acht um Pleanáil agus Forbairt, 2000, arna leasú, go ndéanfaí coinníoll lena gceanglaítear ranníocaíocht i gcomhréir leis an Scéim Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht a chur i bhfeidhm i leith an cheada.

P.C.

Appeal by Jim and Maureen McDermott of Corcullen, Bushypark, Galway against the decision made on the 12th day of June, 2024 by Galway County Council to grant subject to conditions a permission to Orla Callanan care of ETM Chartered Engineers Limited of Fough West Park, Oughterard, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwellinghouse, garage/shed and private wastewater treatment system with all associated works and ancillary services at Corr Chuilinn, Maigh Cuilinn, Contae na Gaillimhe.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The proposed development, which is seeking permission for the provision of one number dwelling, treatment unit, percolation area and all associated site services, complies with the provisions of the Galway County Development Plan 2022-2028. It is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with the surrounding area, would not seriously injure the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects on these European Sites in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16th day of May 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. The external finishes of the garage shall harmonise in colour and texture with the finishes on the proposed dwelling house hereby permitted.

Reason: In the interest of visual development.

4. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

5. The domestic garage shall not be used for human habitation or for any other purpose other than a purpose incidental to the enjoyment of the house and shall not be used for commercial purposes without a prior grant of planning permission. In addition, it shall not be separated from the principal dwelling by lease or sale.

Reason: In the interest of residential amenity.

6. The existing front boundary hedge and/or trees shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of visual amenity.

7. The landscaping scheme, as submitted to the planning authority on the 19th day of December 2023, shall be carried out within the first planting season following substantial completion of external construction works.

Reason: In the interest of residential and visual amenity.

8. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

9. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

10. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

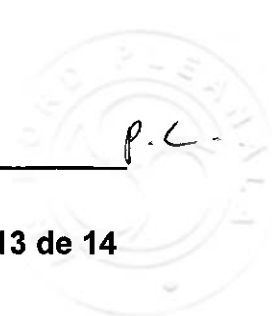
Reason: In the interest of public health.

11. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. All public roads and footpaths shall be maintained free from dirt and debris during construction stage of the proposed development. All necessary measures shall be undertaken by the applicant to prevent the spillage or deposit of clay, rubble or other debris on adjoining lands during the course of the works.

Reason: In the interest of proper planning and sustainable development of the area.



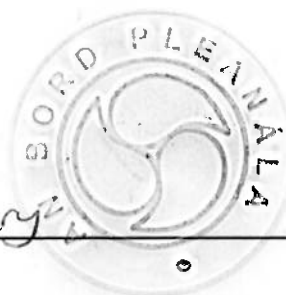
13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Patricia Calleary

**Comhalta den Bhord
Pleanála atá údaraithe go cuí
chun séala an Bhord a
fhíordheimhniú**



**Member of An Bord
Pleanála duly authorised
to authenticate the seal
of the Board.**

Dátaithe ar an 15th lá seo de Samhan 2024